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09/893,522	06/29/2001	George Hoshi	010846	2987
23850 7590 03/17/2009 KRATZ, QUINTOS & HANSON, LLP 1420 K Street, N.W. Suite 400 WASHINGTON, DC 20005				
EXAMINER				
FOX, JOHN C				
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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/893,522  
Filing Date: June 29, 2001  
Appellant(s): HOSHI ET AL.

\_\_\_\_\_  
William G. Kratz, Jr.  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed December 30, 2008 appealing from the Office action mailed March 17, 2008.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

6076543	Johnson	6-2000
6152175	Itoh et al	11-2000

6231260

Markulec et al

5-2001

### **(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1 and 35/1 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson.

Johnson shows a gas line slidably mounted on a rail 42, see Figure 2, a plurality of gas lines mounted in parallel in a vented enclosure, see Figure 10, and discloses at column 12, lines 18-29, that if the enclosure of Figure 10 is not required then the plurality of gas sticks can be "adjustably mounted on a pair of rails or supports that are coupled between adjacent stanchions 116. Each rail extends transverse to the long axis of device's (sic) track ..."

Claims 1-4, 35, 37-42, and 44-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson in view of Itoh et al. Johnson shows the claimed device except uses tubing connected fluid handling devices. Itoh et al show an improvement over tubing connecting fluid handling devices with coupling blocks 21 for mounting the fluid handling devices. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have configured the Johnson gas line from such modular components as taught by Itoh et al to reduce costs, for example. The provision of a spare rail for future use is considered to be an obvious expedient, in view of the spare line provided in Figure 10 of Johnson, note spare connection 110. Assembling a system as recited in the claims is seen to be an obvious step.

Claims 36 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson in view of Itoh et al and further in view of Markulec et al.

Johnson, as modified, shows the claimed device except for the shape of the tracks. Markulec et al show a gas stick system with a downward tapered groove and nut, see Figure 6a. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have used such a downward tapered groove and nut in the system of Johnson, as modified, in view of the readily apparent equivalence between the two tracks.

#### **(10) Response to Argument**

The sole issue on appeal is the interpretation of the cited written but unillustrated embodiment of Johnson. Appellant argues that "gas handling device" refers to either 40, a single gas line, also known as a gas stick, mounted on a rail 42 shown in Figure 2, or 118, the entire semiconductor installation shown in Figure 11. The Examiner generally agrees with the first interpretation since Figure 1 is also described as a "gas handling device", see column 1, line 21. Appellant further argues that it is the line 40 which can be moved transversely, which the Examiner agrees with. Appellant further argues that Figures 10 and 11 of Johnson do not show transverse rails. The Examiner agrees with this statement, but notes that it begs the question. The teaching of Johnson that anticipates the claims is not illustrated in the drawings but is described in the specification.

The Examiner submits that Appellant's position is illogical and unreasonable. If the vented enclosure 96 of Figure 10 were eliminated, as it is in the cited embodiment,

the plural gas lines would not be supported by anything except the gas piping connected at either end. That is clearly not an acceptable design. Instead, Johnson states that two rails are mounted between adjacent stanchions 116 and they extend transverse to the plural gas lines or sticks. The only possible configuration that matches that description is a rail between the two front stanchions and another rail between the two rear stanchions, both such rails being parallel to the lid hinge. Each of these two rails then "include a mount or bolt which extends therefrom for insertion through a respective one of track 42's slot 71", see Figure 3.

While the language of Johnson contains some grammatical errors and could be clearer, each and every claim limitation is reasonably disclosed by Johnson and claims 1 and 35/1 are properly anticipated thereby.

The Examiner agrees that the rejections under §103 stand or fall with Johnson.

For the record, the Vu et al reference mentioned in the Brief is US 6,394,138, Figures 11-13. As noted by Appellant this reference is not applied in the rejections of record.

#### **(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/John Fox/

Primary Examiner

Conferees:

/Gregory L. Huson/

Supervisory Patent Examiner, Art Unit 3751

/Tom Hughes/

TQAS, TC 3700